

1884.
—
QUEENSLAND.



IMPERIAL AND COLONIAL ACTS

RELATING TO THE

PACIFIC ISLAND LABOUR TRADE;

AND

REGULATIONS AND INSTRUCTIONS FOR THE
GUIDANCE OF GOVERNMENT AGENTS

APPOINTED UNDER

“THE PACIFIC ISLAND LABOURERS ACT OF 1880.”

BRISBANE:

EDMUND GREGORY, ACTING GOVERNMENT PRINTER, WILLIAM STREET.

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35 AND 36 VIC. CH. 19.

*** An Act for the Prevention and Punishment of Criminal Outrages upon Natives of the Islands in the Pacific Ocean.**

[27TH JUNE, 1872.]

WHEREAS criminal outrages by British subjects upon natives of islands in the Pacific Ocean, not being in Her Majesty's dominions, nor within the jurisdiction of any civilised power, have of late much prevailed and increased, and it is expedient to make further provision for the prevention and punishment of such outrages.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as "*The Kidnapping Act, 1872.*"

Definition of terms.

2. The term "Governor" shall include the officer for the time being administering the government of any of the Australasian Colonies, and "Governor in Council" shall mean the Governor acting by and with the advice of the Executive Council of the colony under his government.

The term "Australasian Colonies" shall mean and include the colonies of New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia.

The term "vessel" shall include a ship or boat.

* Proclaimed in the *Queensland Government Gazette* of the 31st August, 1872.

The term "oath" shall include any affirmation or declaration taken or made in lieu of an oath.

The term "master" shall include any person for the time being in command or charge of a vessel.

No British vessel to carry native labourers unless the master has given a bond and received a license.

3. It shall not be lawful for any British vessel to carry native labourers of the said islands, not being part of the crew of such vessel, unless the master thereof shall, with one sufficient surety to be approved by the Governor of one of the said Australasian colonies, or by a British consular officer appointed by Her Majesty to reside in any of the said islands, or by any person appointed by either of those officers, have entered into a joint and several bond in the sum of five hundred pounds, to Her Majesty, her heirs and successors, in the form contained in Schedule A to this Act annexed, or in such other form as shall be prescribed by the Legislature of any of the Australasian colonies in respect of vessels sailing from the ports of such colony, nor unless he shall have received a license in the form contained in Schedule B to this Act annexed from any such Governor or British consular officer.

Penalty of bond, how recoverable.

4. The said penal sum of five hundred pounds shall be due and recoverable notwithstanding any penalty or forfeiture imposed by this Act, and whether such penalties or forfeitures shall have been sued for and recovered or not.

Power to Governor and consular officer to grant licenses.

5. It shall be lawful for any such Governor or British consular officer as aforesaid, upon being satisfied that a bond has been duly given by the master of any British vessel under the third section of this Act, to grant, if he shall think fit, to such master a license in the form contained in the said Schedule B.

Seizure, &c., of vessels carrying native labourers without license, &c.

6. All the provisions of this Act with respect to the detention, seizure, bringing in for adjudication before any Vice-Admiralty Court, trial, condemnation, or restoration of vessels suspected of being employed in the commission of any of the offences enumerated in the ninth section of this Act shall, *mutatis mutandis*, apply to any British vessel which shall be found carrying such native labourers without a license or in contravention of the terms of any license which may have been granted to the master thereof.

Penalty for carrying natives without a license.

7. The master of any vessel carrying such native labourers without such license or in contravention of the terms of any license which may

have been granted to him, shall be liable to a fine of not exceeding five hundred pounds, which may be sued for and enforced in and by any court of justice of the Australasian colonies; but nothing herein contained shall be taken to affect the liability of such master for any offence committed by him under the ninth or tenth sections of this Act: Provided always that the aggregate sum imposed or recoverable by way of penalty under this Act shall in no case exceed the sum of five hundred pounds.

Vessels complying with provisions of Colonial Acts not liable to seizure, &c.

8. Nothing herein contained shall be taken to affect the provisions of an Act passed by the Legislature of Queensland, intituled "*An Act to Regulate and Control the Introduction and Treatment of Polynesian Labourers*," nor of any Act of a like kind passed or which may be passed by the Legislature of any of the Australasian colonies not being inconsistent with the provisions of this Act; and the provisions of this Act in respect of vessels carrying native labourers without a license, or in contravention of the terms of a license, shall not apply to any vessel which has complied with the regulations and conditions imposed by the said Queensland Act, or any other Act of a like kind passed, or which may be passed by the Legislature of any of the Australasian colonies as aforesaid, proof of which compliance shall lie upon the master of such vessel.

Colonial courts empowered to try certain offences.

9. If a British subject commits any of the following offences, that is to say,—

1. Decoys a native of any of the aforesaid islands for the purpose of importing or removing such native into any island or place other than that in which he was at the time of the commission of such offence; or carries away, confines, or detains any such native for the purpose aforesaid, without his consent, proof of which consent shall lie on the party accused.
2. Ships, embarks, receives, detains, or confines, or assists in shipping, embarking, receiving, detaining, or confining, for the purpose aforesaid, a native of any of the aforesaid islands on board any vessel, either on the high seas or elsewhere, without the consent of such native, proof of which consent shall lie on the party accused.
3. Contracts for the shipping, embarking, receiving, detaining, or confining on board any vessel for the purpose aforesaid, any such native without his consent, proof of which consent shall lie on the party accused.
4. Fits out, mans, navigates, equips, uses, employs, lets, or takes on freight or hire, any vessel, or commands, or serves, or is on board any such vessel with intent to commit, or that any one on board such vessel should commit, any of the offences above enumerated.

5. Ships, lades, receives, or puts on board, or contracts for the shipping, lading, receiving, or putting on board of any vessel, money, goods, or other articles, with the intent that they should be employed, or knowing that they will be employed, in the commission of any of the offences above enumerated :

he shall for each offence be guilty of felony, and shall be liable to be tried and punished for such felony in any Supreme Court of justice in any of the Australasian colonies, and shall, upon conviction, be liable, at the discretion of the court, to the highest punishment other than capital punishment, or to any less punishment awarded for any felony by the law of the colony in which such offender shall be tried.

Punishment of accessories.

10. Any person who aids, abets, counsels, or procures the commission of any offence against this Act, shall be liable to be tried and punished as a principal offender.

Venue in respect of offences by persons.

11. Any offence against this Act may be described in any indictment, information, or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or it may averred generally to have been committed within Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, town, or place in which the trial is held.

Courts may issue commissions for examination of witnesses.

12. In all cases of indictment or information laid or exhibited in the Supreme Court of any of the Australasian colonies, for any offence under this Act, such Supreme Court, upon motion to be made on behalf of the prosecutor or accused, may order a commission or commissions to issue for the examination of witnesses upon oath, and to receive proof at any place or places out of the jurisdiction of such court, concerning the matters charged in such indictment or information ; and the said Supreme Court is hereby required and authorised by the same or any subsequent order or orders to make such rules and give such directions as to the time, place, and mode of executing such commission or commissions, and as to the notice thereof to be given to the party accused, and as to the proper return of the depositions taken and the matters done thereunder as to the said court shall seem fitting and proper, and the depositions being duly taken under such commission or commissions and returned to the said court, shall be allowed and read as if the witness so deposing had been present, sworn, and examined *virâ voce* at any trial for such offences as aforesaid in the said Supreme Court, any law or usage to the contrary thereof notwithstanding.

Powers to secure attendance of native witnesses.

13. In all cases of indictment or information laid or exhibited in the Supreme Court of any of the Australasian colonies for any offence under this Act, the Governor in Council of such colony may authorise and empower the commander of any of Her Majesty's ships or vessels, or the master of any ship or vessel trading with the inhabitants or natives of the said islands, to obtain the attendance as a witness of any native of any of the said islands for the purpose of giving evidence either before the said Supreme Court or before any commission for the examination of witnesses ordered by such court, and to transport and convey such witness to the colony in which such offence shall be tried or to the place where such commission shall be held, and also to remunerate such witness by such sum of money or other remuneration as the said Governor in Council shall see fit to authorise for his attendance to give evidence as aforesaid, and for his reconveyance back to the island or place from whence he shall have been so brought.

Mode of taking evidence.

14. In all cases in which an oath may be lawfully administered to any person either as a witness or deponent in any proceeding under this Act, it shall be the duty of the court or commissioner, or officer administering the same, to ascertain, as far as possible, in what form such oath will be binding on the conscience of such witness or deponent, and to administer such oath in such form accordingly; and the court before which such proceeding shall take place, or a commissioner under any commission as aforesaid, may declare in what manner the evidence shall be taken of witnesses or deponents who are ignorant of the nature of an oath, and the evidence or deposition taken in any such form or manner as aforesaid shall be as valid as if an oath had been administered in the ordinary manner.

Punishment of persons giving false evidence.

15. Every person who shall wilfully and corruptly give false evidence in any examination, deposition, or affidavit had or taken in any proceeding under this Act shall be deemed guilty of perjury, and upon conviction thereof shall be liable to the pains and penalties to which persons convicted of wilful and corrupt perjury are liable, and every such person may be tried either in the place where the offence was committed, or in the Supreme Court of any of the Australasian colonies.

Powers to seize suspected British vessels.

16. Any British vessel which shall upon reasonable grounds be suspected—

- (1.) Of being employed in the commission of any of the offences enumerated in the ninth section of this Act; or
- (2.) Of having been fitted out for such employment; or

(3.) Of having during the voyage on which such vessel is met been employed in the commission of any such offence :
may be detained, seized, and brought in for adjudication upon the charge of being or having been so employed or fitted out as aforesaid, before any Vice-Admiralty Court in any of Her Majesty's dominions, by any of the following officers, that is to say :—

- (1.) Any officer of customs or public officer in any British possession, subject nevertheless to any special or general instructions from the Governor or officer administering the government of such possession ;
- (2.) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer ;
- (3.) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer ;
- (4.) Any consul or consular agent appointed by Her Majesty to reside in any island not within the jurisdiction of any civilised power.

Powers of officers authorised to seize ships.

17. Any officer authorised to seize or detain any vessel in respect of any offence against this Act may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of Her Majesty's army or navy, or marines, or any excise officers or officers of customs, or any harbour-master or dock-master, or any officers having authority by law to make seizures of vessels, and may put on board any vessel so seized or detained any one or more of such officers to take charge of the same and to enforce the provisions of this Act, and any officer seizing or detaining any vessel under this Act may use force, if necessary, for the purpose of enforcing seizure or detention.

Powers of Vice-Admiralty Courts.

18. The Vice-Admiralty Court before which any vessel is so brought for adjudication shall have full power and authority to take cognisance of and try the charge upon which such vessel is brought in, and may on proof thereof condemn the vessel and cargo, or either, as the case may be, as forfeited to Her Majesty, or may order such vessel and cargo, or either of them, to be restored with or without costs and damages, as to the court shall seem fit ; and in any such proceedings the said court shall have such powers to issue commissions for the examination of witnesses, and to give directions in respect thereof, as are hereinbefore vested in the Supreme Court of the Australasian colonies ; and the said court shall, in addition to any power given to it by this Act, have in respect of any vessel or other matter brought before it in pursuance of this Act, all powers which it has in the case of a vessel or matter brought before it in the exercise of its ordinary jurisdiction.

Payment of costs, &c.

19. When any detention or seizure shall be made under this Act, and proceedings instituted in any Vice-Admiralty Court in respect of such detention or seizure, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment to be made of the whole or any part of the costs, damages, and expenses which may be incurred in such proceedings.

Indemnity to officers.

20. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of a vessel by the Vice-Admiralty Court, no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any vessel in pursuance of this Act.

Proclamation of Act.

21. This Act shall be proclaimed in the several Australasian colonies by the respective Governors thereof, within six weeks after a copy of such Act shall have been received by such Governors respectively, and shall take effect in the several colonies from the day of such proclamation.

Act not to affect 9 Geo. IV. c. 83.

22. Nothing in this Act contained shall be taken to affect the powers vested in the Supreme Courts of New South Wales and Tasmania under the Act 9 Geo. IV. c. 83.

SCHEDULE A.

FORM OF BOND TO BE ENTERED INTO BY MASTERS OF VESSELS UNDER
"THE KIDNAPPING ACT, 1872."

Know all men by these presents, that we *A.B.* of
and *C.D.* of are held and firmly bound unto our Sovereign
Lady Queen Victoria, by the Grace of God of the United Kingdom of Great
Britain and Ireland Queen, Defender of the Faith, in the sum of five
hundred pounds of good and lawful money of Great Britain, to be paid to
our said Sovereign Lady the Queen, her heirs and successors, to which
payment, well and truly to be made, we bind ourselves and every of us,
jointly and severally, for and in the whole, our heirs, executors, admin-
istrators, and every of them firmly by these presents.

Sealed with our seals. Dated this day of 187 .

Whereas it is enacted by "*The Kidnapping Act, 1872*," that no British vessel shall carry native labourers of islands in the Pacific Ocean not being within the jurisdiction of any civilised power unless the master of such vessel, together with one sufficient surety to be approved by the Governor of one of Her Majesty's Australasian colonies, or by a British consular officer, or by any person appointed for the purpose by either of those officers, shall have given to Her Majesty, her heirs and successors, a bond in the sum of five hundred pounds for the prevention of kidnapping, and for the due observation of the requirements of the said Act and of the license which the said master is thereby required to obtain.

Payment of costs, &c.

19. When any detention or seizure shall be made under this Act, and proceedings instituted in any Vice-Admiralty Court in respect of such detention or seizure, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment to be made of the whole or any part of the costs, damages, and expenses which may be incurred in such proceedings.

Indemnity to officers.

20. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of a vessel by the Vice-Admiralty Court, no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any vessel in pursuance of this Act.

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our said Sovereign Lady the Queen, her heirs and successors, to which
payment, well and truly to be made, we bind ourselves and every of us,
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Now the condition of this obligation is this, that if in respect of the vessel _____, whereof the above-bounden *A.B.* is master, all and every the requirements of the said Act and of the license issued thereunder to the said master shall be well and truly performed, and if the above-bounden *A.B.* shall satisfy the Governor of any of Her Majesty's Australasian colonies, or the British consular officer aforesaid, that no kidnapping was allowed or connived at by any person on board of or connected with said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed, and delivered by }
 the above-bounden *A.B.* and } (L.S.)
C.D. in the presence of } (L.S.)
E.F. of _____

SCHEDULE B.

LICENSE FOR THE CARRIAGE BY SEA OF NATIVE LABOURERS.

A.B., master of the _____, the vessel more particularly described below, having duly given to Her Majesty Queen Victoria, the bond required by "*The Kidnapping Act, 1872*," for the prevention of kidnapping and the due observance of the requirements of the said Act, I (the Governor of the colony of _____ or Her Majesty's Consul of _____, *as the case may be*) do hereby, in exercise of the authority for that purpose conferred on me by the said Act, license the said vessel to carry not more than _____ native labourers from _____ to _____.

Should this vessel be found to answer the subjoined description and appear to be strictly engaged in the lawful pursuit of the above-mentioned object, it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage nor in the shipment or landing of her native passengers.

This license shall not be transferable, and shall be available only for the voyage from _____ to _____ aforesaid, and for a period not exceeding _____ days from the date hereof.

Description of the vessel above referred to.

Tons (registered tonnage):

Rig (*i.e.* ship, barque, brig, &c.):

How painted:

Name painted on stern:

Whether any poop:

Whether any quarter galleries:

Whether a top-gallant forecastle:

Name of chief officer:

Number of officers and crew, including surgeon, if any:

Bound from _____ to _____, and intending to call at _____ and _____

Given under my hand and seal }
 at _____ this _____ day }
 of _____ 187 _____

Governor or Consul, *as the case may be.*
 (L.S.)

To the respective flag officers, captains, and commanding officers of Her Majesty's ships, and to all others whom it may concern.



38 AND 39 VIC. CH. 51.

* **An Act to amend the Act of the Session of the Thirty-fifth and Thirty-sixth Years of the Reign of Her present Majesty, chapter nineteen, intituled "An Act for the Prevention and Punishment of Criminal Outrages upon Natives of the Islands in the Pacific Ocean."**

2ND AUGUST, 1875.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Construction of Act and short title.

1. This Act shall be construed as one with the Act of the session of the thirty-fifth and thirty-six years of the reign of Her present Majesty, chapter nineteen (in this Act referred to as the Principal Act); and the expression "this Act," when used in the Principal Act, shall be deemed to include this Act.

The Principal Act and this Act may be cited together as "*The Pacific Islanders Protection Acts*," 1872 and 1875, and each of them may be cited separately as "*The Pacific Islanders Protection Act*" of the year in which it was passed.

Amendment of 35 and 36 Vic. c. 19 s. 3, as to the carrying in British vessels of native labourers.

2. Whereas by section three of the Principal Act it is enacted that it shall not be lawful for any British vessel to carry native labourers of the islands in the Pacific Ocean referred to in the said Act, not being part of the crew of such vessel, unless the master has given such bond as is therein mentioned, and has obtained from a Governor of one of the Australasian colonies or a British consular officer a license in the form contained in Schedule B to the said Act:

* Proclaimed in the *Queensland Government Gazette* of the 16th November, 1875.

And whereas such license does not authorise the carrying in a British vessel of the said native labourers for the purpose of carrying on any fishery, industry, or occupation in connection with the said vessel, and it is expedient to authorise the same: Be it therefore enacted as follows:—

The license mentioned in sections three and five of the Principal Act may authorise a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connection with the said vessel, and may for that purpose be in the form contained in Schedule B to this Act, in lieu of the form contained in Schedule B to the Principal Act, and the bond mentioned in section three of the Principal Act shall in such case be in the form contained in Schedule A to this Act in lieu of the form contained in Schedule A to the Principal Act.

If a native labourer, carried in pursuance of a license issued under this section, is not engaged in like manner as a seaman forming part of the crew of the vessel, by an agreement made in accordance with "*The Merchant Shipping Act, 1854*," and the Acts amending the same, the engagement of such labourers shall be recorded in such manner and with such particulars as may be from time to time prescribed by Her Majesty by Order in Council, but in all cases the name of the labourer engaged shall be entered in the official log with particulars sufficient to identify such labourer.

Amendment of 35 and 36 Vic. c. 19 ss. 6 and 16, as to seizure of suspected British vessels.

3. Whereas by sections six and sixteen of the Principal Act provision is made with respect to the detention, seizure, and bringing in for adjudication of a British vessel suspected of being employed or found employed in the commission of the offences therein mentioned, or otherwise as in the said sections mentioned, and it is expedient to amend such provision: Be it therefore enacted as follows:—

Where a British vessel may under the Principal Act be detained, seized, and brought in for adjudication by any officer, all goods and effects found on board such vessel may also be detained, seized, and brought in for adjudication by such officer, either with or without such vessel; and all the provisions of the Principal Act referring to the seizure or detention of a vessel shall, so far as is consistent with the tenor thereof, be construed also to refer to the seizure and detention of such goods and effects.

Jurisdiction of courts in regard to vessels, goods, and effects seized under 35 and 36 Vic. c. 19, or this Act.

4. Whereas it is expedient to amend the provisions made by the Principal Act with respect to the jurisdiction of the Admiralty Courts: Be it therefore enacted as follows:—

The High Court of Admiralty of England and every Vice-Admiralty Court in Her Majesty's dominions out of the United Kingdom shall have jurisdiction to try and condemn as forfeited to

Her Majesty or restore any vessel, goods, and effects alleged to be detained or seized in pursuance of the Principal Act or of this Act, and on restoring the same to award such damages in respect of the detention and seizure of such vessel, goods, and effects, or any of them, and of any person on board such vessel, and in respect of any act or thing done in relation to such detention or seizure, or in respect of any of such matters, and in any case to make such order as to costs as, subject to the provisions of the Principal Act and this Act, the court may think just.

For the purposes of the Principal Act and this Act, any court mentioned in this section shall have the same powers as are by sections twelve and thirteen of the Principal Act (which sections relate to the issue of commissions for the examination of witnesses and other matters relative to obtaining evidence) vested in the Supreme Court of any of the Australasian colonies, and, further, all powers which such court has in the case of any vessel, goods, and effects, or matter brought before it in the exercise of its jurisdiction under any other Act or otherwise.

Adaptation of 35 and 36 Vic. c. 19 ss. 19 and 20, to this Act.

5. Sections nineteen and twenty of the Principal Act, which relate to proceedings instituted in and an award of damages by a Vice-Admiralty Court in respect of the seizure or detention of a vessel, shall extend to any such proceedings and award by the High Court of Admiralty of England, and to any such proceedings and award either in that Court or any Vice-Admiralty Court, in respect of the seizure or detention of any goods or effects authorised by this Act to be seized or detained.

Power for Her Majesty to exercise jurisdiction over British subjects in islands of the Pacific Ocean.—Office of High Commissioner.

6. It shall be lawful for Her Majesty to exercise power and jurisdiction over Her subjects within any islands and places in the Pacific Ocean not being within Her Majesty's dominions, nor within the jurisdiction of any civilised power, in the same and as ample a manner as if such power or jurisdiction had been acquired by the cession or conquest of territory, and by Order in Council to create and constitute the office of High Commissioner in, over, and for such islands and places, or some of them, and by the same or any other Order in Council to confer upon such High Commissioner power and authority, in Her name and on Her behalf, to make regulations for the government of Her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.

Power to Her Majesty to erect a court of justice for British subjects in the islands of the Pacific.

It shall be lawful for Her Majesty, by Order in Council, to create a court of justice with civil, criminal, and Admiralty jurisdiction over

Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognisance of all crimes and offences committed by Her Majesty's subjects within any of the said islands and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction aforesaid, or any part thereof, shall be vested in and may be exercised by the court of any British colony designated in such Order, concurrently with the High Commissioner's court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters necessary for carrying out the provisions of such Order in Council.

Power to make ordinances.

It shall also be lawful for Her Majesty, by any Order or Orders in Council, from time to time to ordain for the government of Her Majesty's subjects, being within such islands and places, any law or ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.

High Commissioner to have powers of consular officer.

The person for the time being lawfully acting in the capacity of High Commissioner, and any Deputy Commissioner duly appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and duty vested in or imposed upon any British consular officer by the Principal Act or by any other Act having reference to such consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British consular officer.

Saving of rights of tribes.

7. Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, her heirs or successors, with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion; and a copy of every such Order in Council shall be laid before each House of Parliament within thirty days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each House of Parliament within thirty days after the commencement of the next ensuing session.

Amendment of definitions in 35 and 36 Vic. c 19.

8. Whereas, by reason of the cession to Her Majesty of the Colony of Fiji, it is expedient to amend the definition of Australasian colonies in the Principal Act: Be it therefore enacted as follows:—

The term “Australasian colonies” in the Principal Act and this Act shall mean and include the Colony of Fiji.

Subject to the provisions of any Act or ordinance passed by the Legislature of the Colony of Fiji, the provisions of the Principal Act and this Act shall continue to apply and be deemed always to have continued to apply to natives of Fiji, in like manner as if they were natives of islands in the Pacific Ocean not being in Her Majesty’s dominions nor within the jurisdiction of any civilised power.

Alteration of forms.

9. The forms in the schedules to the Principal Act shall be altered by the substitution of a reference to “*The Pacific Islanders Protection Acts, 1872 and 1875*,” for the reference therein to the Principal Act.

Proclamation of Act.

10. This Act shall be proclaimed in each Australasian colony by the Governor thereof within six weeks after a copy of it has been received by such Governor, and shall take effect in the said Colony from the day of such proclamation.

Repeal of 35 and 36 Vic. c. 19, ss. 1, 18, and 21.

11. Sections one, eighteen, and twenty-one of the Principal Act are hereby repealed, without prejudice to anything duly done or suffered in pursuance of those sections, or any right or liability acquired, accrued, or incurred under those sections, or any investigation, legal proceeding, or remedy in respect of any such right or liability, or otherwise, commenced in pursuance of those sections, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULE A.

Form of bond to be entered into by masters of vessels under "The Pacific Islanders Protection Acts, 1872 and 1875."

Know all men by these presents, that we, *A.B.*, of _____, and *C.D.*, of _____, are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this _____ day of _____, 187 _____.

Whereas it is enacted by "*The Pacific Islanders Protection Act, 1875*," that a license may be given by the Governor of one of the Australian colonies, as therein defined, or a British consular officer, authorising a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connection with the said vessel:

Now the condition of their obligation is this, that if in respect of the vessel _____, whereof the above bounden *A.B.* is master, all and every the requirements of the said Acts, so far as they are applicable thereto, and of the license issued under "*The Pacific Islanders Protection Act, 1875*," to the said master shall be well and truly performed, and if the above-bounden *A.B.* shall satisfy the Governor of any of Her Majesty's Australian colonies, or the British consular officer aforesaid, that no kidnapping was allowed or connived at by any person on board or connected with the said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above-bounden *A.B.* (L.S.)
and *C.D.*, in the presence of *E.F.*, of _____ (L.S.)

SCHEDULE B.

LICENSE FOR THE EMPLOYMENT OF NATIVES AT SEA.

A.B., master of the _____, the vessel more particularly described below, having shown to my satisfaction that he is engaged in the fishery [or industry, or occupation, *as the case may be*], of _____ in connection with such vessel, and having given the bond to Her Majesty, required by "*The Pacific Islanders Protection Acts, 1872 and 1875*," I [the Governor of the Colony of _____, or Her Majesty's Consul of _____, *as the case may be*] do hereby, in exercise of the authority for that purpose conferred on me by the said Acts, license the said vessel to employ in the said fishery [or *as the case may be*] not more than _____ native labourers from the _____ day of _____ 18 _____ to the _____ day of _____ 18 _____.

Should this vessel be found to answer the subjoined description, and appear to be strictly engaged in the lawful pursuit of the above mentioned object, it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage, nor in the shipment, employment, or landing of her native hands.

This license shall not be transferable, and shall be available only for the period aforesaid.

Description of the vessel above referred to.

Tons (registered tonnage):

Rig (*i.e.*, ship, barque, brig, &c.):

How painted:

Name painted on stern:

Whether any poop:

Whether any quarter galleries:

Whether a top-gallant fore-castle:

Name of chief officer:

Number of officers and crew, including surgeon, if any:

Bound from at to and , and intending to call

Given under my hand and seal, at day of 18 .

Governor or Consul

[as the case may be.]

(L.s.)

To the respective flag officers, captains, and commanding officers of
Her Majesty's ships, and to all others whom it may concern.



44 VIC. No. 17.

No. 17.

**An Act to make provision for Regulating and Controlling
the Introduction and Treatment of Labourers from the
Pacific Islands.**

[ASSENTED TO 18TH NOVEMBER, 1880.]

Preamble.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Repeal of "Polynesian Labourers Act of 1868."

1. "*The Polynesian Labourers Act of 1868*" is hereby repealed, but nothing herein contained shall affect any act or thing lawfully done, or commenced, or contracted to be done, under the authority of the said Act.

Definition of terms.

2. In this Act the following terms shall, unless the context otherwise requires, have the several meanings set against them respectively, that is to say,—

"Pacific Islander," or "Islander."—A native, not of European extraction, of any island in the Pacific Ocean which is not in Her Majesty's dominions, nor within the jurisdiction of any civilised power.

"Native passenger," or "passenger."—An islander being conveyed on board of any vessel licensed to carry islanders under the authority of this Act.

“Labourer.”—A Pacific Islander who has been brought to Queensland, and the stipulated time for whose return to his native island has not arrived.

“Inspector.”—An inspector appointed under this Act.

“Employer.”—An employer of a Pacific Islander or labourer, or the manager or overseer of such employer, or any person having the actual charge of an estate or place where an islander or labourer is employed.

“Tropical or semi-tropical agriculture.”—The business of cultivating sugar-cane, cotton, tea, coffee, rice, spices, or other tropical or semi-tropical productions or fruits, and of rendering the products thereof marketable.

“Minister.”—The Colonial Secretary, or other Minister charged with the execution of this Act.

“Immigration agent.”—The immigration agent at Brisbane, or the assistant immigration agent at any other port.

Not lawful to introduce Pacific Island labourers except under this Act.

3. No person shall hereafter introduce islanders into the Colony of Queensland, except under the provisions of this Act.

Act to apply to employers and labourers at time of passing.

4. The provisions of this Act shall, so far as the same are applicable, be applied to all Pacific Island labourers introduced into this colony before the passing of this Act, and to their employers, but shall not apply to any Pacific Island labourers now or hereafter employed solely in pearl or bêche-de-mer fisheries on the Queensland coast.

Appointment of inspectors.

5. The Governor in Council may from time to time appoint fit and proper persons to be inspectors of Pacific Islanders and labourers for the purposes of this Act.

Appointment of Government agents.

6. The Governor in Council may from time to time appoint fit and proper persons to be Government agents, to accompany vessels licensed to carry Pacific Islanders under the provisions of this Act.

PART II.

THE INTRODUCTION OF PACIFIC ISLANDERS.

Form of application.—Schedule A.

7. Any person desirous of introducing Pacific Islanders shall make application to the immigration agent in the form in Schedule A to this Act, or to the like effect, for a license to introduce such islanders, stating the number proposed to be introduced and the estate or place where they are intended to be employed.

License not to issue to others than those engaged in tropical or semi-tropical agriculture.

But no such license shall be granted unless the applicant proves to the satisfaction of the Minister that he is engaged or has made provision for engaging in tropical or semi-tropical agriculture, and that the islanders whom he desires to introduce are intended to be employed in such agriculture only.

Application to be accompanied by bond.—Schedule B.

8. Such application shall be accompanied by a bond in the form in Schedule B to this Act, for a sum equal to five pounds for every islander proposed to be introduced, for the purpose of providing for the return passage of such islander to his native island at the expiration of his term of service. Such bond must be executed by the applicant and two sureties, to be approved by the immigration agent.

Applicant for license to pay capitation fee.

Every applicant shall, previous to the issue of a license, pay to the immigration agent the sum of thirty shillings for each islander proposed to be introduced. Such sum shall be appropriated to defray the expenses incurred by the immigration agent in supervising the introduction of the islanders and their subsequent return to their native islands.

License may issue.—Schedule C.

A license in the form in Schedule C to this Act may then be issued, authorising the applicant to introduce the number of islanders mentioned in the application, or any less number.

Refund on islanders short shipped.

In the event of a less number being introduced than the license authorises, the amount paid by the applicant in excess of a sum equal to thirty shillings for every islander actually introduced may be refunded to him.

Master to execute bond prior to proceeding to recruit islanders.—Schedule D.

9. The master of any ship intended to carry native passengers from the Pacific Islands to Queensland shall make application to the immigration agent for a license for such ship. Such application shall be accompanied by a bond for five hundred pounds in the form in Schedule D to this Act, made by the master with two sufficient sureties.

License to be issued.—Schedule E.

Upon the approval by the Minister of such application and of the proposed sureties, a license in the form of Schedule E to this Act shall be granted by the Minister, authorising such ship to be employed in introducing islanders under this Act. Such license shall specify the number of passengers, not being greater than the number hereinafter prescribed, which such ship may carry.

Bond to be signed by master for return of islanders to their proper islands.—Schedule F.

10. The master or owner of any ship intended to convey passengers from Queensland to the Pacific Islands shall enter into a bond in the sum of five hundred pounds, in the form of Schedule F to this Act, to provide for the return of such passengers to their native villages on their respective islands; and no islander shall be permitted to embark in any ship for the purpose of his return to his native island until such bond has been duly executed.

Number of passengers. (Vide Imperial Act 18 and 19 Vic. c. 110.)

11. No ship shall be authorised to carry a greater number of passengers than in the proportion of one statute adult to every twelve clear superficial feet of space allotted to their use; and the height between decks shall be not less than six feet six inches from deck to deck.

Provided that when the height between decks exceeds six feet six inches, a greater number may be taken, but not in the whole a number exceeding one adult for every seventy-eight cubic feet of space.

Proportion of passengers to deck area.

But no ship, whatever her tonnage or superficial space of passenger deck, shall be authorised to carry a greater number of passengers in the whole than in the proportion of one statute adult to every five superficial feet clear for exercise on the upper deck or poop or on any roundhouse or deckhouse properly secured and fitted on the top with a railing or guard.

In computing the superficial area of that portion of a ship's between decks which is allotted to the passengers' use, the average beam measurement of such portion shall be taken midway between the upper and lower decks.

Every ship shall be fitted with open berths or sleeping places in not more than two tiers, and the lowest tier shall be raised six inches at the least from the lower deck, and the interval between the two tiers of berths shall not be less than two feet six inches. All labourers shall be berthed between decks or in deckhouses.

Conditions of license.

12. Every ship master's license shall be issued subject to the following conditions, that is to say,—

Master to provide for Government agent.

- (1.) The master shall provide for the Government agent, free of cost, first-class cabin accommodation, and the usual cabin fare at the master's table, exclusive of wine, beer, and spirits.

Vessel to be properly found in medicines, &c.

- (2.) The owner or charterer shall provide for the use of the passengers, and to the satisfaction of the Government medical officer at the port of embarkation, a supply of medicines, medical comforts, instruments, and other appliances necessary for diseases and accidents incidental to a sea voyage, and for the medical treatment of the passengers during the voyage, including an adequate supply of disinfectants, together with printed directions for the use of the same respectively; and such medicines, medical comforts, instruments, and appliances shall be properly packed and placed under the joint charge of the captain and Government agent, to be used at their discretion.

Penalty for obstructing a Government agent.

- (3.) The master shall not obstruct or attempt to obstruct the Government agent in the discharge of his duty, and shall not bring on board, or allow to be brought on board, or remove, or allow to be removed from the ship, any passenger, without the consent of the Government agent.

Age of labourers.

- (4.) No passenger shall be introduced who, in the opinion of the Government agent, is less than sixteen years of age.

Water on the voyage.

- (5.) Three quarts of water daily during the voyage shall be allowed to each passenger, exclusive of the quantity used for cooking purposes.

Provisions on the voyage.

- (6.) Provisions shall be issued to each passenger during the voyage according to the following scale, namely,—

DAILY PROVISIONS FOR EACH PASSENGER.

						lbs.	oz.
Yams or potatoes	...	...	...	...	...	5	0
Or rice	...	...	...	...	...	2	0
Tea	...	...	...	...	...	0	0½
Sugar	...	...	...	...	...	0	2
Tobacco per week	...	...	...	...	...	0	1½
Pipes per week	...	...	...	...	...		one

- (7.) The undermentioned clothing shall be supplied to each passenger immediately on embarkation in advance, namely,—

Males.

1 flannel shirt
1 pair serge trousers
1 double blanket

Females.

1 winsey dress
1 flannel petticoat
1 double blanket.

Length of voyage.

13. The length of the voyage to or from the South Sea Islands shall be computed at thirty days for sailing vessels and fifteen days for steamers.

PART III.

THE EMPLOYMENT OF PACIFIC ISLANDERS IN THE COLONY.

Agreements to be completed on board ship.—Schedule G.

14. All agreements for service made with Pacific Islanders shall be in the form in Schedule G to this Act, or to the like effect, and shall be completed in duplicate on board the ship, and attested by the immigration agent or an inspector, before the landing of the passengers.

One copy of every agreement shall be retained by the immigration agent or inspector.

Master of vessel to report arrival, &c.

15. The master of every ship arriving at any port in Queensland with native passengers under the provisions of this Act shall forthwith report to the immigration agent or inspector—

(A) The number of such passengers; and

(B) The names of their licensed employers.

The master shall not land any of such passengers until he has been granted by the immigration agent or inspector at such port a certificate in the form of Schedule H to this Act.

Schedule H.

Before granting such certificate the immigration agent or inspector shall require,—

Master of vessel to produce certificate.—Schedule I.

- (1.) The production by the master of a certificate or certificates in the form in Schedule I to this Act, signed by the Government agent attached to the ship, that all the passengers have voluntarily engaged themselves and entered into their agreements with a full knowledge and understanding of the nature and conditions thereof, and that when they were engaged they were not known to be afflicted with any disease, and were neither maimed, halt, blind, deaf, dumb, idiotic, nor insane.

Employers to produce licenses.—Schedule C.

- (2.) The production by every employer for whom the islanders have been engaged, of the license in the form in Schedule C to this Act, authorising their introduction.

Passengers to understand their agreements.

- (3.) Proof, to his satisfaction, by means of oral explanations, questions, and inquiries amongst the passengers, that they have a proper understanding of the conditions of their agreements, and that they voluntarily entered into the same.

Completion of agreements.

- (4.) The completion of the agreements in the prescribed form

Master to provide certificate of health.

- (5.) The production by the master of a certificate from the health or medical officer at the port of arrival that the whole of the passengers intended to be landed are in sound bodily and mental health, and are physically fitted to perform the work for which they have been introduced.

Certificate of health.

16. If the health or medical officer at the port of arrival certifies that any islander introduced is physically unfit for labour in the colony, the master or owner of the ship by which such islander was introduced shall return him to the island from which he was obtained; and any master or owner failing to return such islander when required by an inspector to do so shall be liable to a penalty not exceeding ten pounds nor less than five pounds.

Labourers to be registered on arrival.

17. Every labourer shall, on arrival, be registered in the Immigration Office at Brisbane, or at the office of the assistant immigration agent at any other port. In the latter case, the assistant immigration agent shall forthwith forward a copy of the register to the immigration agent at Brisbane.

Employers to provide for labourers on arrival.

18. Every labourer shall be taken from the ship by and at the expense of his employer. If from any cause it is necessary to take a passenger from the ship to an immigration dépôt or to a hospital, the cost of his removal thereto, and of his maintenance therein, shall be borne by the master of the ship. Such cost may be recovered in a summary manner before two justices, at the suit of any inspector.

Transfer of labourer.—Schedule J.

19. No transfer of the services of a labourer shall be made except with the full consent of the transferror, the labourer, and the inspector or a police magistrate, nor until a bond for five pounds for each labourer intended to be transferred, in the form in Schedule J to this Act, executed by the transferee and two sufficient sureties approved by the inspector, has been given, to provide for the return passage of such labourer to his native island at the expiration of the agreement.

Schedule K.

Every agreement for such transfer shall be in the form in Schedule K to this Act, and shall be signed by the transferror, the transferee, and the labourer, in the presence of and attested by an inspector, who shall before attestation explain to such labourer the full meaning and effect of such agreement.

No transfers to other than those engaged in tropical or semi-tropical agriculture.

No transfer of the services of any labourer shall be permitted, unless the inspector or a police magistrate is satisfied that the proposed transferee is engaged in tropical or semi-tropical agriculture, and that such labourer is intended to be employed in such agriculture only, and at a place to be specified in the application for transfer.

Transfer to be registered.

No labourer shall leave the transferrer's employment until the agreement for transfer has been registered in the books of the inspector attesting the transfer, or in the Immigration Office at Brisbane.

Employers not to remove labourers without permission.

20. No employer or other person, except in pursuance of a transfer duly registered, shall remove a labourer from the estate or place on which he was intended to be employed, as stated in the application for license or transfer, without the written permission of an inspector, nor shall employ such labourer elsewhere than on such estate or place without like permission. Any employer or other person who so removes or employs a labourer without such permission except under a transfer duly registered, shall be liable on conviction to a penalty not exceeding ten pounds for every labourer so removed or employed.

Wages to be paid in presence of inspector.

21. The wages of every labourer shall be paid at the expiration of each six months of his engagement, in current coin of the realm, and in the presence of an inspector or police magistrate; and no payment of wages to a labourer shall be of any force or effect unless the same has been made in the presence of an inspector or police magistrate.

Wages paid during currency of agreement not to be deducted.

No employer shall deduct any sum from the wages of a labourer, in respect of moneys paid during his term of service, unless such moneys have been paid in the presence of and with the consent of an inspector or police magistrate.

Store accounts not to be deducted from wages.

No employer of a labourer shall charge him with the payment of any moneys on account of stores supplied to such labourer, or deduct any sum in respect thereof from the wages due to him.

Wages of labourers to be recovered by inspector.

22. If the wages payable to a labourer are due, an inspector may demand payment of the same from the employer; and if such wages remain unpaid for a period of fourteen days after demand has been so made, the inspector may sue for and recover the same on behalf of the labourer, in a summary way, before two justices of the peace.

Employer to provide return passage.

23. At the expiration of the engagement of any labourer, his employer shall either cause him to be returned to his native island, or if the labourer does not then desire to return, pay the sum of five pounds to the immigration agent, to be applied in defraying the cost of the return passage of said labourer when required by him.

PART IV.

THE CARE AND TREATMENT OF LABOURERS WHEN SICK.

Employers to provide labourers with medical attendance.

24. Every employer shall provide his labourers with proper medicine and medical attendance during disease or illness; and any employer who neglects to provide a labourer, when sick, with such medicine and medical attendance, shall for every such offence forfeit and pay a penalty not exceeding twenty pounds, and not less than five pounds, and shall further be liable to pay any reasonable expense incurred by an inspector in providing such medicine and medical attendance.

Inspector may order labourer to immigration depôt or hospital.

25. An inspector, if he thinks fit, may order a labourer to be taken to the nearest immigration depôt or hospital for medical examination or treatment, or for any other purpose deemed necessary by the inspector. An employer who refuses to allow a labourer to proceed to, or when so ordered refuses to send or convey a labourer to such immigration depôt or hospital, shall be liable on conviction of the offence to a penalty not exceeding ten pounds.

Expenses incurred by Government chargeable to the employers in certain cases.

26. All expenses incurred in affording hospital relief to a sick labourer, or by reason of his detention in an immigration depôt while awaiting shipment to his native island, shall be chargeable to the employer or last employer of such labourer, and may be recovered in a summary manner before any two justices at the suit of any inspector.

Districts may be proclaimed in which hospitals are to be established.

27. The Governor in Council may from time to time, by proclamation in the *Gazette*, declare any district in which Pacific Islanders or labourers are employed, to be a district in which a hospital for such islanders and labourers shall be established.

Employers to contribute towards maintenance of hospital.

28. Upon the proclamation of any such district every employer of labourers therein, and every employer of labourers introduced

under the provisions of this Act, shall pay in advance to the nearest inspector a hospital capitation fee at the rate of ten shillings per annum for every labourer in his employment, or any less sum in proportion to the time less than one year which any such labourer has to serve, for the purpose of providing hospital relief for sick labourers employed in such district.

Penalty for failing to pay capitation fee.

Any employer failing to pay the hospital capitation fee on account of any labourer when required so to do by an inspector shall, in addition to the amount of such capitation fee, be liable to a penalty of ten shillings for every labourer on whose account default in payment has been made.

On proclamation of district, hospital to be erected.

29. On the proclamation of a district as aforesaid, the Minister may cause to be erected, in some central and convenient position in the district, a hospital building or buildings, to which labourers or islanders employed in the district may be sent for treatment when sick; and the cost of erecting such hospital building or buildings shall be defrayed from the "Pacific Islanders' Fund," hereinafter mentioned.

Appointment of resident surgeon to hospital.

30. On the erection of such hospital building the Governor in Council may appoint, to be resident surgeon of such hospital, some legally qualified medical practitioner, who shall be empowered, subject to the approval of the Minister, to engage such attendants and nurses as are required for the proper management of such hospital; and such surgeon shall, *virtute officii*, be an Inspector of Pacific Islanders.

Employers may send labourers to hospital.

31. Every employer in such district shall be entitled to send any of his labourers or islanders, when sick, to such hospital for treatment; and the cost of the treatment and maintenance of any labourer, as well as the salaries and allowances of the surgeon and attendants of such hospital, shall be defrayed from the "Pacific Islanders' Fund," hereinafter mentioned. The cost of the treatment and maintenance of any islander, not being a labourer within the meaning of this Act, shall be borne by his employer.

Penalty for failing to send labourers to hospital when sick.

32. Any employer in such district who fails to send any of his labourers to such hospital for treatment when sick shall be liable, on conviction, to a penalty not exceeding ten pounds nor less than five pounds.

PART V.

MISCELLANEOUS PROVISIONS.

Wages of deceased labourers to be paid to inspector or immigration agent.

33. Notwithstanding anything to the contrary contained in "*The Intestacy Act of 1877*," in the event of a labourer or islander dying during his term of service, the employer shall pay to the nearest inspector, or to the immigration agent, the whole of the wages which would have been payable to such labourer or islander up to the date of his death, as if such wages had accrued due from day to day, and the amount so paid shall be placed to the credit of the "*Pacific Islanders' Fund*," hereinafter mentioned.

Register to be kept by employer.

34. Every employer shall keep a register of his labourers in the form in Schedule L to this Act, which shall be open for the inspection of any inspector or justice. No entry except as to the condition of the labourers on inspection shall be made in the register of the employer, unless from a document of hiring, transfer, death, or desertion, countersigned by the immigration agent or an inspector.

Deaths or desertions to be reported immediately.

35. All deaths or desertions of labourers or islanders shall be immediately reported by the employer to the nearest inspector or to the immigration agent, and in case of death a medical certificate of the cause thereof shall be forwarded with the death report to the immigration agent.

If no such medical certificate can be obtained, an inquiry under "*The Inquests of Death Act of 1869*" shall be held into the cause of the death of such labourer or islander.

Nominal return to be sent at expiration of each quarter.

36. Every employer shall once in every six months make a return to the immigration agent in the form, and giving the particulars specified, in Schedule M to this Act.

Quarterly return of cases to be forwarded by bench to immigration agent.

37. At the end of every quarter the police magistrate or bench of magistrates in each district where labourers or islanders are employed shall forward to the immigration agent a return of all cases adjudicated upon in which such labourers or islanders were concerned. Such return shall specify the names of employers and labourers or islanders, the nature of the offences, and the decision in each case.

Engagements subject to 25 Vic. No. 11.

38. All agreements heretofore made, or hereafter to be made, with Pacific Island labourers, are hereby expressly declared to be subject to the provisions of the Act twenty-five Victoria number eleven, "*The Masters and Servants Act of 1861*."

Penalty for evasion of Act.

39. If any islander is introduced into the colony by sea contrary to the provisions of this Act, the master and owner of the ship by which such islander is introduced shall each be liable to a penalty of twenty pounds for every islander so introduced, and in default of immediate payment the ship by which such islander is so introduced shall be absolutely forfeited to Her Majesty

Labourer not to be removed out of the colony without permission or consent.

40. Any person who, without the consent of a labourer, and the written permission of the Minister, removes, or attempts to remove, such labourer out of the Colony of Queensland except for the purpose of his return to his native island, shall be liable to a penalty of twenty pounds for every labourer so removed, or attempted to be removed, and it shall be lawful for the Minister in any case to prevent the removal of such labourer except for the purpose of his return to his native island as aforesaid.

Penalty for obstructing inspector.

41. Any person who obstructs, or attempts to obstruct, any inspector in the discharge of his duty, and any employer who refuses to assemble his labourers for inspection when requested so to do by an inspector, shall be liable on conviction to a penalty not exceeding ten pounds.

Labourers and islanders not to be supplied with spirituous liquors.

42. Any person who sells, supplies, or gives to a labourer or islander any fermented or spirituous liquor, or any liquor part whereof is fermented or spirituous, shall be liable to a penalty not exceeding five pounds.

Breaches of this Act punishable by fine.

43. Any person who offends against any of the provisions of this Act for which no penalty is herein specially provided shall be liable for the first offence to a penalty not exceeding ten pounds, and for a second or subsequent offence of a like nature to a penalty not exceeding twenty pounds nor less than five pounds.

Inspector may sue on behalf of islander.

44. Any inspector may institute and prosecute any proceedings in any court of justice in the name and on behalf of any islander for any relief to which such islander is by law entitled.

Onus of proof that labourer is not a Pacific Islander.

45. The averment in any information under this Act that any person named therein is a labourer, islander, or passenger, shall be sufficient proof thereof until the contrary is shown.

Trust fund to be established.

46. All moneys heretofore received by the immigration agent under "*The Polynesian Labourers Act of 1868*," and all moneys hereafter received by the immigration agent or any inspector under the provisions of this Act, and all fines and penalties recovered under the provisions of this Act, shall be paid into the Treasury and placed to a separate fund to be called the "*Pacific Islanders' Fund*," and shall be available for carrying out the provisions of this Act and for no other purpose.

Power to make regulations.

47. The Governor in Council may make regulations not inconsistent with the provisions of this Act for the due and effectual execution thereof, and respecting any matter or thing necessary to give effect to the objects of this Act, and all such regulations shall forthwith be published in the *Gazette*, and shall thereafter have the force of law.

Short title.

48. This Act may be cited as "*The Pacific Island Labourers Act of 1880*."

SCHEDULE A.

Section 7.

Application for permission to introduce Pacific Island labourers.

I, request to be allowed, in accordance with the provisions of "*The Pacific Island Labourers Act of 1880*," to procure from the Pacific Islands labourers to be employed at

in the district of

Dated this

day of

, A.D. 18

A.B.

Applicant's signature.

The above requisition lodged with me this

18

day of

Signature of Bondsmen:

C.D.

E.F.

Immigration Agent.

SCHEDULE B.

Section 8.

Employer's bond.

Know all men by these presents that A.B. of C.D. of and E.F. of are held and firmly bound unto our Sovereign Lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of five pounds of good and lawful money of Great Britain for each Pacific Island labourer to be introduced by the said under his application bearing even date herewith, to be paid to our said Lady the Queen, her heirs and successors, to which payment well and truly to be made we bind ourselves and every of us jointly and severally for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this

day of

18

Whereas by "*The Pacific Island Labourers Act of 1880*" it is amongst other things enacted that all persons desirous of obtaining labourers from the Pacific Islands shall enter into a bond, with two sureties, to provide for the return passages of such labourers to their native islands at the expiration of their agreements at the rate of five pounds for each labourer introduced: Now, the condition of this obligation is such that if the above bounden A.B., upon the expiration of the agreement of every labourer introduced by him under his said application, defrays the cost of the return passage of every such labourer to his native island, or pays to the immigration agent a sum of five pounds for the purpose of providing him with a return passage, then this obligation shall be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered by the above-bounden

[L.S.]
[L.S.]
[L.S.]

in the presence of

J.P.

SCHEDULE C.

Sections 8, 14.

License to introduce labourers from the Pacific Islands.

In pursuance of the provisions of "*The Pacific Island Labourers Act of 1880*," I hereby authorise _____ or his agent, the master of the ship _____ to introduce _____ islanders from the Pacific Islands, to be employed at _____ in the _____ district.

This license is to remain in force only until the number of islanders mentioned above has been introduced.

Given under my hand at Brisbane, this _____ day of _____ 18 .

Entered _____

Colonial Secretary.

Immigration Agent.

N.B.—This license is to be returned to the immigration agent when the islanders have been recruited.

SCHEDULE D.

Section 9.

Bond to be entered into by shipmaster.

Know all men by these presents, that _____ of _____ and _____ of _____ are held and firmly bound unto our Sovereign Lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment well and truly to be made we bind ourselves and every of us jointly and severally for and in the whole, our heirs, executors, and administrators, and every of them firmly by these presents.

Sealed with our seals. Dated this _____ day of _____ one thousand eight hundred and _____ .

Whereas by "The Pacific Island Labourers Act of 1880" it is amongst other things enacted that all masters of vessels proceeding to the Pacific Islands in order to obtain labourers therefrom shall enter into a bond with two sufficient sureties for the prevention of kidnapping and for the due observance of the requirements of the said recited Act: Now the condition of this obligation is such that if the above-bounden master of the ship about to proceed to the Pacific Islands to procure islanders, faithfully observes the requirements of the said recited Act, and the conditions of the license to be granted to the said ship under his application accompanying these presents, and satisfies the Government of Queensland through its officer duly appointed for the purpose that no kidnapping was allowed, countenanced, or connived at, then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered by the above-bounden

[L.S.]
[L.S.]
[L.S.]

in the presence of

J.P.

SCHEDULE E.

Section 9.

Shipmaster's license.

In pursuance of the provisions of "The Pacific Island Labourers Act of 1880," I hereby authorise the ship known as the of tons register to be employed in carrying islanders between the Pacific Islands and Queensland, provided that such ship does not at any one time carry more than islanders.

Given under my hand at Brisbane, the day of 188 .

Entered

Colonial Secretary.

Immigration Agent.

SCHEDULE F.

Section 10.

Return bond to be entered into by shipmasters or owners.

Know all men by these presents, that we, of of and of are held and firmly bound unto our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Lady the Queen, her heirs and successors, to which payment well and truly to be made we bind ourselves, and every of us jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them firmly by these presents.

Sealed with our seals, and dated this of one thousand eight hundred and .

Whereas by "The Pacific Island Labourers Act of 1880" it is amongst other things enacted that all employers of labourers shall return the labourers employed by them to their native islands at the expiration

of their agreements, and that the master or owner of any vessel which is intended to be sent to the Pacific Islands for the purpose of returning passengers to their native islands must be required to enter into a bond in the sum of five hundred pounds to provide for the return of such passengers to their proper islands: Now the condition of this obligation is such, that if the above-bounden

master or owner of the ship about to proceed to the Pacific Islands to return passengers, faithfully delivers all the passengers embarked on board the said ship, with their property, at their proper villages on their native islands, and satisfies the Government of Queensland, through its officer duly appointed for the purpose, by the production of certificates or other documents in proper form within six months from date hereof that the said passengers were duly landed, with their property, at their respective villages on their native islands, then this obligation to be void, otherwise to remain in full force and virtue.

[L.S.] Master.
[L.S.] } Sureties.
[L.S.] }

I hereby certify that the above bond was duly signed, sealed, and delivered by the said _____, in my presence, this _____ day of _____, 18 _____.

J.P.

SCHEDULE G.

Section 14.

Agreement between employers and labourers.

MEMORANDUM of Agreement made this day between _____ of the first part, and the undersigned labourer, from the island of _____, per ship _____, of the second part. The conditions are, that the said part of the second part engage to serve the said party of the first part as _____ and otherwise to make _____ generally useful for the term of thirty-six calendar months, and also to obey all _____ or overseer's or authorised agent's lawful and reasonable commands during that period, in consideration of which services the said party of the first part doth hereby agree to pay the said part of the second part wages at the rate of _____ [not less than six pounds (£6)] per annum each, to provide with the understated rations and clothing, as well as proper lodging accommodation and bedding, and to defray the expense of _____ conveyance to the place at which _____ to be employed, and to pay wages in the coin of the realm at the end of each six months of this agreement, and provide with a return passage to _____ native island at the end of this engagement. No wages shall be deducted for medical attendance.

DAILY RATION.

	lbs.	ozs.
Beef or mutton	1	0
Bread or flour	1½	0
Sugar	0	5
Potatoes (or rice 6 ozs.)	3	0
Tea	0	0½
Tobacco per week	0	1½
Salt per week	0	2
Soap per week	0	4

CLOTHING.

<i>Males</i> (each)—			Yearly.	<i>Females</i> (each)			Yearly.
Shirts (flannel)	...	...	4	Chemises	...	...	4
Trousers pairs (moleskin or serge)	...	...	3	Dresses (wincey)	...	...	4
Hat	...	...	1	Petticoats (flannel)	...	...	2
Blankets (pairs)	...	...	1	Hat	...	...	1
				Blankets (pairs)	...	...	1

In witness hereof they have mutually affixed their signatures to this agreement.

Employer or authorised Agent.

LABOURERS:

The above contract was explained in my presence to the said labourers, and signed before me by them with names or marks, and by the employer or his authorised agent, at this day of 18 .

Immigration Agent [or duly appointed officer].

Registered at the Immigration Office, Brisbane, this day of 18 .

Immigration Agent.

SCHEDULE H.

Section 15.

I hereby certify that the master of the , which arrived from the Pacific Islands on the day of 18 , has produced to me the necessary certificates, signed by the Government agent of the said vessel, that the whole of the islanders on board of the said vessel have voluntarily engaged themselves for service in the colony, that the licenses authorising him to introduce these islanders have been produced in all cases, and that by careful examination of the islanders I have satisfied myself that they have a proper understanding of the full meaning and effect of their agreements, and that they voluntarily entered into the same, and that the agreements have been duly signed.

Dated at this day of 18 .

Immigration Agent,
or Inspector of Pacific Islanders.

SCHEDULE I.

Section 15.

Certificate of Government agent. (To be furnished to the immigration agent or duly appointed officer with report of arrival.)

I hereby certify that master of the duly authorised by the Government of Queensland to carry passengers from the Pacific Islands, and the undermentioned islanders of the island of appeared before me this day of 18 , and that the said has engaged the said islanders to serve various employers in Queensland for a term of three years, and has undertaken that they shall be furnished with the undermentioned rations and clothing, that they shall be paid at the expiration of each six months of their engagements at the rate of [not less than six pounds (£6)] a year each in coin of the realm, that they shall be provided with proper lodging accommodation, and that

the cost of their passages to and from Queensland and all other costs and charges shall be defrayed by their employers, and that they shall be returned free of expense to this place at the expiration of their engagements, and that the Government of Queensland shall exercise supervision over their employers and otherwise protect them during their time of service and during their passage to and from Queensland.

I further certify that the full meaning and effect of this document has been explained to the said islanders by me, and that the said islanders have consented to accompany the said _____ to Queensland. And I further certify that to the best of my belief none of the said islanders are suffering from any disease, or are maimed, halt, blind, deaf, idiotic, or insane.

In witness whereof I have hereunto attached my signature this _____ day of _____ 18 _____ at _____

Government Agent.

NATIVE NAMES OF ISLANDERS:—

CLOTHING PER ANNUM.

Hat	...	...	...	...	...	...	...	1
Shirts (flannel or serge)	...	...	...	...	...	...	...	4
Trousers, pairs (moleskin or serge)	...	...	...	...	...	...	...	3
Blankets, pairs	...	...	...	...	...	...	...	1

RATIONS PER DIEM.

Bread or flour	...	...	...	...	...	...	...	lbs. ozs.
Beef or mutton	...	...	...	...	...	...	...	1 ½ 0
Sugar	...	...	...	...	...	...	...	1 0
Tea	...	...	...	...	...	...	...	0 5
Potatoes (or rice 6 ozs.)	...	...	...	...	...	...	...	0 0 ½
Tobacco per week	...	...	...	...	...	...	...	3 0
Salt	...	...	...	...	...	...	...	0 1 ½
Soap per week	...	...	...	...	...	...	...	0 2
	...	...	...	...	...	...	...	0 4

(Signature of master of the vessel.)

Received by me this

day of

18 .

Immigration Agent,

or Inspector of Pacific Islanders.

SCHEDULE J.

Section 19.

Transfer bond.

Know all men by these presents that A. B. of _____ C. D. of _____ and E. F. of _____ are held and firmly bound unto our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of five pounds of good and lawful money of Great Britain for each labourer transferred to the said _____ under transfer bearing even date herewith, to be paid to our said Lady the Queen, her heirs and successors, to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this

day of

18 .

Whereas by "*The Pacific Island Labourers Act of 1880*" it is amongst other things enacted that no transfer of any labourer shall be made until the transferree has entered into a bond with two sufficient sureties to be approved by the Government to provide for the payment of the return passage to his native island at the expiration of his agreement of every islander transferred to him: Now, the condition of this obligation is such, that if the above-bounden immediately upon the expiration of the agreement of each labourer transferred to him under transfer bearing even date herewith, defrays the cost of the return passage of such labourer to his native island, or pays to the immigration agent a sum of five pounds for the purpose of providing such return passage, then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered by the above-bounden [L.S.]

in the presence of [L.S.]

J.P. [L.S.]

SCHEDULE K.

Section 19.

We [*name and address of employer and names of labourers engaged*], being respectively the employer and labourers under a contract of service made before the Government immigration agent [*or inspector*] at on the day of do hereby agree that the whole rights and obligations of the said party under the said contract are hereby transferred as at the date hereof to [*name and address of transferree*], who hereby agrees to accept the said transfer and the contract hereby transferred with all its rights and obligations.

A. B. }
C. D. } *Signatures of transferror, transferree, and labourers.*
I. }

The above transfer was signed by all the parties thereto, its nature and effect having been first fully explained to the labourers above-named by me. The said transfer is approved and concurred in by me as on behalf of the Government.

At this day of 18

G.H.,

Inspector of Pacific Islanders.

Registered this day of

18

Immigration Agent.

Name of Labourer.	Native Island.	Name of Ship.	Date of Agreement.	Date when due for return to South Sea Islands.	Return for half-year ended	Return for half-year ended	Return for half-year ended	Return for half-year ended	Return for half-year ended	Return for half-year ended	REMARKS. Dates of Deaths, Transfers, Desertions, special report on Visits of Inspector or Magistrates.
					1st.	2nd.	3rd.	4th.	5th.	6th.	
					No. ... Transferred						
					Less Deaths Transferred.						
					Total						

SCHEDULE M.

HALF-YEARLY RETURN.

Return of Pacific Island Labourers employed at *in the*
District of *, post town*
half-year ending *, for the*
18 .

Name.	Native Island.	Date of Agreement.	State of Health.	Transfers.	Desertions.	Deaths.	Remarks.

RECAPITULATION.

Number at date of last return	...	...	...	...
Number engaged during above half-year...	...	...	...	...

Deduct :—

Number died during above half-year	...	...
Number transferred during above half-year	...	...
Number remaining	... ..	...

Employer



47 VIC. NO. 12.

No. 12.

An Act to Amend "*The Pacific Island Labourers Act of 1880.*"

[ASSENTED TO 10TH MARCH, 1884.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Act to be read with 44 Vic., No. 17.

1. This Act shall be read and construed with and as an amendment of "*The Pacific Island Labourers Act of 1880,*" hereinafter referred to as the Principal Act, and the several terms thereby defined shall in this Act, except as hereinafter otherwise provided, have the same meanings as are therein assigned to them respectively.

Definition of "tropical or semi-tropical agriculture."

2. In the Principal Act and this Act the term "tropical or semi-tropical agriculture" shall mean field work in connection with the cultivation of sugar-cane, cotton, tea, coffee, rice, spices, or other tropical or semi-tropical productions or fruits; but shall not include—

- (a) The business of engineers, engine-drivers, engine-fitters, blacksmiths, wheelwrights, farriers, sugar-boilers, carpenters, sawyers, splitters, fencers, bullock-drivers, or mechanics;
- (b) The business of grooms or coachmen;
- (c) The business of horse-driving or carting, except in field work; or
- (d) Domestic or household service.

All agreements to be in form in Schedule G to Principal Act.

3. All agreements for service made with islanders, whether the stipulated time for their return to their native islands has arrived or not, shall be in the form in Schedule G to the Principal Act or to the like effect, and shall be made in duplicate, and attested by the immigration agent or an inspector, who shall retain one copy of the agreement, provided that the term of service specified in any such agreement may be any period not exceeding three years.

Term "labourer" in parts 3, 4, and 5 of Principal Act to include all islanders.

4. The term "labourer," when used in the third, fourth, and fifth parts of the Principal Act, shall include all islanders, whether the stipulated time for their return to their native islands has arrived or not.

New employers to pay return passage money to former employers.

5. When at the expiration of the engagement of any islander he enters into a fresh engagement for service, then if—

(a) The sum of five pounds has been paid by his first employer to the immigration agent to defray the cost of his return passage; or

(b) That sum has been paid by his then last employer to a former employer under the provisions of this section;

the sum so paid shall be recouped by the new employer to the next preceding employer by whom it was so paid.

Officers of labour ships and recruiting agents to be approved by Minister.

6. No person shall be employed as the master, or as a mate, of a ship intended to carry native passengers from the Pacific Islands to Queensland, or as the the agent of an intending employer on board of any such ship, unless he has been approved by the Minister as a fit person to be so employed.

Persons employed in labour ships to be paid fixed wages.

7. No person shall pay or give, or agree to pay or give, to the master of any ship employed in carrying passengers from the Pacific Islands to Queensland, or any other person employed thereon, any sum of money or other valuable consideration, the amount whereof is dependent either in whole or in part upon the number of passengers conveyed to Queensland: But the remuneration of the master of every such ship, and of every other person employed thereon, shall be at a fixed rate, either for the voyage, or dependent wholly upon the time occupied in the voyage.

Penalties.

If the provisions of this section are violated in respect of any ship, whether by the owner, charterer, master, or any other person employed thereon, the ship, her tackle, apparel, and furniture, shall be forfeited to Her Majesty, and the person offending shall also be liable to a penalty of one hundred pounds.

Detailed statement of accounts to be sent in.

8. A detailed statement of all expenditure incurred in and about every voyage of a ship employed in carrying passengers from the Pacific Islands, verified by the solemn declaration of the owner, charterer, or agent, shall be transmitted within four weeks after the arrival of the ship in Queensland to the immigration agent: For every breach of the provisions of this section the owner, charterer, and agent shall each be liable to a penalty of five hundred pounds.

Firearms or ammunition not to be supplied to islanders.

8. It shall not be lawful to sell, supply, or give to any islander any firearms, bullets, leaden shot, gunpowder, or other explosive substance.

Islanders not to be employed except in certain occupations.

10. From and after the first day of September, one thousand eight hundred and eighty-four, it shall not be lawful to employ any islander, except under an agreement for service attested as herein-before provided, nor except in tropical or semi-tropical agriculture.

Exemption of certain islanders.

11. The provisions of the third and fourth sections of this Act and of the last preceding section shall not apply to islanders employed as part of the crew of a vessel, or as attendants at a depôt or hospital for islanders; nor to any islander with respect to whom it shall, before the first day of September, one thousand eight hundred and eighty-four, be proved to the satisfaction of the Minister that he has been continuously in the colony for a period of not less than five years.

Upon such proof being made in respect of any islander, he shall be registered by the immigration agent as exempt from the aforesaid provisions.

A certificate under the hand of the immigration agent that any islander named in the certificate is so exempt shall be sufficient evidence in all courts of the fact of such exemption.

Penalties.

12. Any person offending against any of the provisions of this Act shall, when no other penalty is expressly provided, be liable, upon conviction, to a penalty not exceeding twenty pounds and not less than five pounds.

Evidence.

13. Proof that any islander is found engaged in any occupation upon any premises shall be sufficient evidence of the employment of such islander in such occupation by the owner or other person having the principal management or charge of such premises.

Mode of prosecution.

14. All offences against the Principal Act or this Act may be prosecuted in a summary way before two justices of the peace, and the accused person, or the wife or husband of an accused person, shall be a competent witness on his or her behalf.

Recovery of penalties.

15. Penalties for offences against the provisions of the tenth section of this Act may be sued for and recovered at the suit of any person. Penalties for offences against any of the other provisions of this Act, or of the Principal Act, may be sued for and recovered at the suit of an inspector, or any other person authorised in that behalf by the Minister.

Half penalty to be paid to the informer.

16. One-half of every penalty recovered under this Act and of the proceeds of every vessel forfeited for breach of the provisions thereof shall be paid to the person on whose information such penalty or forfeiture was recovered or enforced.

Prohibition against selling liquor to apply to islanders engaged in fisheries.

17. Notwithstanding the provisions of the fourth section of the Principal Act, the provisions of the forty-second section of that Act shall extend and apply to all islanders, whether employed in pearl or bêche-de-mer fisheries on the Queensland coast or not.

Short title.

18. This Act may be cited as "*The Pacific Island Labourers Act of 1880 Amendment Act of 1884.*"

* REGULATIONS UNDER "THE PACIFIC ISLAND LABOURERS ACT OF 1880."

Applications for shipmaster's licenses.

1. Applications for shipmaster's licenses must be made in duplicate, in the form, and containing the particulars, specified in Schedule N hereto, and must be delivered to the inspector of Pacific Islanders at the intended port of departure. The inspector will retain one copy and forward the other to the immigration agent at Brisbane, together with a report upon the several statements contained in the application and the character of the officers and men intended to be employed, and a certificate from the shipping inspector at the port, as to the seaworthiness of the ship, and the number of passengers she may carry under the provisions of the Act.

In the case of officers not previously known to the Immigration Department, certificates of character must accompany the application.

May refer to former application.

2. When the particulars required by the preceding regulation have been once given in respect of any ship, any subsequent application for a license for the same ship may refer to the particulars previously given, provided that no change has since been made.

Accommodation for Government agent.

3. No license will be granted for any ship in which proper first-class cabin accommodation is not provided for the Government agent.

No firearms to be carried except for ship's use.

4. No license will be delivered to the master of any ship until the inspector at the port of departure has received a certificate from the Customs Department, stating what firearms and ammunition are on board, and certifying that they are not more than is required for ordinary ship's use.

* Approved by His Excellency the Governor of Queensland in Council, and published in the *Government Gazette* of the 18th April, 1884.

On the return of the ship to Queensland the arms and ammunition remaining on board will be examined by the Customs Department, which will report the result of the examination to the inspector at the port of arrival.

Separate accommodation for women.

5. When women are carried as passengers a separate compartment must be provided for them.

Ships to have distinguishing colour and marks.

*6. In order to distinguish Queensland labour ships from those of Fiji, New Caledonia, or other countries, they are to be painted of a light slate colour, with a black streak at least six inches wide running fore-and-aft on both sides just below the covering board, and to carry when recruiting a black ball not less than eighteen inches in diameter at the mainmast head.

Form of application for labourers.

7. Every application for a license to introduce labourers must be accompanied by a statement in the form in Schedule O hereto, which must be delivered to the inspector and by him sent to the immigration agent at Brisbane, with a report upon the several particulars contained therein.

Recruiting at any island may be forbidden.

8. The Minister may, by a general direction published in the *Gazette* or by a special direction given on granting a license in respect of any particular ship, forbid the recruiting of labourers at any specified island or islands, and Government agents are required to see that all such directions are obeyed.

The names of any islands from which recruiting is forbidden will be endorsed on the shipmaster's license.

Passenger space not to be used for stores.

9. The passenger space in labour ships must not be used for stowing ship's stores or for any other purpose than the accommodation of passengers.

Medicines, &c.

10. Before the license is delivered to the master the inspector at the port of departure is to satisfy himself that the ship has on board a proper supply of medicines, medical comforts, instruments, and other appliances necessary for diseases or accidents incidental to a sea voyage, and for the medical treatment of the passengers as required by the 12th section of the Act; and also that proper provision is made for ventilation, and that the ship has a proper supply of cooking utensils, water-tanks, and vessels for the supply of water to the passengers on deck during the voyage. The inspector is to forward a report thereon to the immigration agent at Brisbane.

* Amended Regulation published in the *Queensland Government Gazette* of the 24th April, 1884.

Trading to be under supervision of Government agent.

11. All trading with natives must be conducted under the supervision of the Government agent, who will note the particulars in his log.

Effects of return passenger dying on board ship.

12. If any return passenger dies before his arrival at his native island his effects are to be delivered to his friends at the island, if any can be there found. If none can be found the effects are to be brought back to Queensland and delivered to the inspector at the port of arrival.

Master to obey the directions of Government agent.

13. The master is required at all times to obey the reasonable directions of the Government agent in respect to the recruiting of labourers.

Labourers to be recruited in presence of Government agent.

14. The Government agent must be present on every occasion when labourers are recruited, and must inform himself by personal observation and inquiry that the intending recruit understands the nature of his engagement.

Government agent to supervise all engagements of interpreters, &c.

15. The Government agent is to supervise the engagement, discharge, and payment of interpreters and all other persons who may be employed as boats' crews or otherwise during the voyage, and is required to report specially as to the qualifications of the interpreters and the character of all other persons so engaged, and the circumstances of their engagement and discharge.

Europeans in recruiting boats.

16. Two Europeans at least, not counting the Government agent, must be present in every boat which leaves the ship to recruit labourers.

No firearms to be taken on board or unladen during voyage.

17. No firearms or ammunition are to be taken on board the ship after her departure from Queensland, or to be unladen from the ship during the voyage, except the arms required for the protection of the crews of the ship's boats. If this Regulation is violated the Government agent is peremptorily required to refuse to permit any further recruiting on that voyage, and no license will be granted for the ship for a period of twelve months from her return to Queensland.

No spirits to be given to islanders.

18. No spirits are to be given to any islander, either on his island or in boats or on the ship, except for medicinal purposes, and then only by order of the Government agent; nor may any spirits be taken in the recruiting boats.

Islanders not to be recruited except at their own island, nor islanders in employment of Europeans.

19. No islander is to be recruited who is in the service of any European settler in the Pacific; nor is any islander to be recruited, under any circumstances, except at his native island.

No attempt to be made to re-take unwilling islanders.

20. If any islander who has agreed to come to Queensland afterwards leaves the ship, or refuses to go on board of her, no attempt is to be made to take him by force or to induce him to come by means of threats or intimidation. If the provisions of this Regulation are violated the full penalty of the shipmaster's bond will be enforced.

Women not to be recruited alone or without consent of chief.

21. No woman is to be recruited unless accompanied by her husband, nor without the consent of the chief of the island or of the village or district from which she is brought.

If Regulations disobeyed recruiting to cease.

22. If any islander is recruited contrary to the provisions of these Regulations, or if the master is guilty of any other violation of them, the Government agent is to refuse to permit any further recruiting, and to require the ship to return to Queensland as soon as the return passengers (if any) have been landed.

Ship to carry interpreters on arrival.

23. The ship must on her arrival in Queensland have on board or provide some person or persons competent to interpret between every islander on board and the inspector at the port of arrival. Any islander on board whose language cannot be so interpreted will be returned to his island at the expense of the owner of the ship.

Islanders to be inspected by medical officer on arrival.

24. On arrival of the ship in Queensland the health or medical officer at the port will inspect the islanders on board, and certify as to their fitness for labour in the colony. If he certifies that any islander is physically unfit by reason of age or otherwise, the islander must be at once returned to his native island, as provided by the 16th section of the Act.

Restrictions on transfers.

25. Transfers of the services of labourers before the expiration of six months from the date of the arrival of the ship by which they were introduced will not be allowed without the special sanction of the Minister; nor will transfers from an employer residing in one district to an employer residing in another be allowed without the like sanction.

Committees for management of hospitals.

26. In any district in which a hospital is established, a committee of management may be annually appointed to advise and assist the

Minister in the management of the hospital. Such committee shall consist of three persons nominated by the employers of labourers in the district, and approved by the Governor in Council, and an equal number appointed by the Governor in Council.

The committee may, with the approval of the Minister, make by-laws for regulating the management of the hospital and the admission of patients thereto, for defining the duties of the resident surgeon and other officers of the institution, for providing for attendance upon sick labourers on the plantations on which they are employed, and generally for the good order and government of the hospital.

Employers to give notice on expiry of engagement.

27. On the expiration of the engagement of any islander his employer shall at once inform the inspector of the fact, and shall state what arrangements he has made for the return of the islander to his native island, or for his re-engagement, as the case may be.

Regulations to be posted.

28. A copy of these Regulations shall be constantly kept posted in some conspicuous part of the ship.

SCHEDULE N.

I, _____ the master of the British ship _____ of which _____ of _____ the owner apply for a license authorising the said ship to be employed in the introduction of Pacific Islanders into Queensland under "*The Pacific Island Labourers Act of 1880.*"

The following are the particulars :—

1. Tonnage
2. Superficial feet of space (*specifying beam measurement on upper and lower decks*)
3. Height between decks
4. Area of passenger deck or decks
5. Arrangement of sleeping places
6. Number of compartments for islanders and area of each
7. Mode of ventilation
8. Particulars of cabin accommodation for Government agent
9. Particulars of store rooms

						Previously employed in labour vessel the year	Rate of pay.
10. Full name of—							
Master	...	...	...	...	...	...	...
Mate	...	...	...	...	...	...	...
Recruiting agent	...	...	...	...	...	...	...
Crew	...	...	...	...	...	...	...
11. Names of proposed sureties	...	...	...	...	...	...	...
Dated at	this	day of					
	A.B. [<i>Signature of Master.</i>]						

SCHEDULE O.

1. Name of intending employer :
2. Name of estate :
3. Situation :
4. Area under cultivation :
5. Crop intended to be cultivated :
6. Number of Pacific Islanders now employed :
7. Nature of work in which they are employed :
8. Number of European labourers usually employed :
9. Nature of work in which labourers for whom license is applied for are to be employed :
10. Number of Pacific Islanders employed who have been more than three years in Queensland :

A.B. [*Signature of Applicant.*]

*INSTRUCTIONS TO GOVERNMENT AGENTS.

The attention of Government agents is especially directed to the Acts and to the Regulations of the 17th of April, 1884, a copy of which is delivered to them herewith. Their duty is to see that the provisions of the Acts and the Regulations are strictly observed. They will act as directed by the Regulations, and will also observe the following instructions :—

1. Government agents, when appointed to a ship, must see that they are furnished with the following papers and forms :—

- (1.) Official log or diary.
- (2.) Forms of certificate of due return of islanders.
- (3.) Forms of certificates on engagement (Form I. of the Principal Act).
- (4.) Forms for inward passenger list.

2. Government agents are especially to remember that the position in which they are placed renders them responsible to the Queensland Government alone. If the master or officers of the ship interfere with them in the performance of their duties or refuse to obey their directions, it will be their duty to report the matter to the Government by the first available opportunity, and immediately upon the ship's return to the colony.

3. The position occupied by Government agents towards the master, officers, and other servants of the owners of the ship, is one which requires the exercise of much discretion, and, while taking every precaution to see that the Regulations are obeyed, they are not unnecessarily to interfere with the ship's officers in the discharge of their duties.

4. The Government agent is required on taking charge of a ship to inspect all stores and clothing required for the voyage, with the view of ascertaining that they are of good quality and sufficient in quantity, and is, if satisfied, to certify to the Inspector of Pacific Islanders at the port of departure to that effect.

5. When at sea, the Government agent is required to see that provisions are issued daily, according to scale ; but he is expected to act with discretion in cases of sickness, or as to the issue of meat to young recruits.

6. The log-book with which the Government agent is supplied must be carefully kept, and every occurrence of consequence noted therein.

* Approved by His Excellency the Governor of Queensland in Council, and published in the *Government Gazette* of the 18th April, 1884.

The log-book must be written up daily, and no additions must be made after the day's log is closed, nor will any interleaving be permitted.

7. On taking charge of islanders returning to their native islands, the Government agent is to muster them from the list handed to him by the inspector at the port of embarkation, which list will contain the native name of each islander, his native island, and the part of it at which he is to be landed, and the name of the employer to whom he was originally indented; and he will on no account allow any islander whose name does not appear on such list to proceed in the ship.

8. He will, before leaving port, carefully compare his list of return islanders with that furnished by the master to the Customs, and certify to the correctness of the latter.

9. On final departure from the Queensland coast, *but not before*, and on being satisfied that all regulations have been complied with, the Government agent will hand the licenses to the master. Should any irregularity be discovered, of whatever nature, after clearance at the Customs, he will withhold the licenses, report at once, by telegraph, if necessary, to the inspector at the port, and await instructions.

10. The Government agent is required to see that every return passenger is duly landed along with his property, not only on his own island, but at his own village or district; and on no account must any islander be landed at any island, village, or district, other than the one from which he originally came, unless he expressly wishes it, in which case a full explanation of the circumstances must be entered in the log.

11. If the Government agent finds it necessary to give any directions to the master with respect to the observance of the Act or regulations he is to do so in writing, a copy of which must be entered in the log. He is also to report the matter to the immigration agent by first opportunity.

12. Recruiting must in all cases be carried on by two boats working together, viz., a "recruiting boat" and a "covering boat;" the Government agent is to go in the latter, so that in case of attack by natives he may have a reasonable chance of warning the recruiting boat which would be in shore of him. Recruiting by boats of the same vessel, at different places, at the same time, is not to be permitted, nor is recruiting to be allowed under any circumstances except in the presence of the Government agent.

13. The Government agent is to see that all islanders recruited are engaged for service in a certain locality, in accordance with the licenses issued to the ship, and that each one fully understands the nature of the agreement he is about to enter into, as to rate of payment, and especially of duration of service; and if he observes that any recruit desires to come to a Queensland port other than those mentioned in the licenses or to which the vessel is not bound, he will explain to the islander the destination of the vessel and his chance of being employed by the master whom he desires to serve.

14. No islander under the age of sixteen years is, under any circumstances, to be recruited, nor any islander who is not in sound bodily and mental health.

15. The clothing prescribed by subsection 7 of section 12 of the Principal Act must in all cases be issued to the recruit immediately on his (or her) arrival on board; any failure in this respect is to be reported by the Government agent on arrival in Queensland.

16. The Government agent is to be careful to enter in his log and to report by first opportunity to the Immigration Office, Brisbane, any violation of the Acts or Regulations by any person engaged in the Pacific labour trade, with which he may become acquainted in the course of the voyage.

17. On arrival at a Queensland port, the Government agent will at once forward to the inspector a report of the voyage, accompanied by his log, giving particulars of the landing of all return islanders, and also a list of all inward passengers, specifying the name, sex, native island, and village or district of each passenger, and whether such passenger has previously been in Queensland or Fiji. The particulars given in this list must correspond with the particulars given in the certificate of agreement. (Schedule I of the Principal Act.)



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18. The Government agent will also forward to the Inspector a copy of the certificate of agreement of each recruit, and a copy of the receipt for the clothing issued to each recruit, and a copy of the receipt for the food issued to each recruit, and a copy of the receipt for the medical supplies issued to each recruit, and a copy of the receipt for the other supplies issued to each recruit.

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